

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

**Proposing rule making related to apprenticeship
and providing an opportunity for public comment**

The Board of Cosmetology Arts and Sciences hereby proposes to amend Chapter 60, “Licensure of Cosmetologists, Electrologists, Estheticians, Manicurists, Nail Technologists, and Instructors of Cosmetology Arts and Sciences,” and Chapter 61, “Licensure of Salons and Schools of Cosmetology Arts and Sciences,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 147.76 and 157.14 and section 272C.16 as amended by 2021 Iowa Acts, Senate File 424.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 147 and 157 and section 272C.16 as amended by 2021 Iowa Acts, Senate File 424.

Purpose and Summary

This proposed rule making implements the provisions of 2021 Iowa Acts, Senate File 424, which recognized registered United States Department of Labor apprenticeships as a pathway to licensure, and provides guidance to license holders on their responsibilities to the public and their apprentices when operating an apprenticeship.

Fiscal Impact

This rule making has minimal fiscal impact to the State of Iowa. Under the proposed rule making, licensees would no longer need to pay to receive duplicate wallet cards and instead would be able to print their own renewal verification if needed.

Jobs Impact

After analysis and review of this rule making, there is a potential positive impact on jobs because individuals who may have been ineligible for licensure may be eligible for licensure as a result of this rule making.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Venus Vendoures Walsh
Professional Licensure Division
Iowa Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.242.6529
Fax: 515.281.3121
Email: venus.vendoures-walsh@idph.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 12, 2022
9:30 to 10 a.m.

Via video/conference
Zoom Meeting ID: 831 1911 3049
Passcode: 455202
Link: us02web.zoom.us/j/83119113049?pwd=ait0NVpRZXAwZWdjcnc2T085VWdjQT09

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definitions of "Apprentice" and "Apprenticeship program" in rule **645—60.1(157)**:

"*Apprentice*" means a person who is at least 16 years of age, who is employed in an apprenticeable occupation, who is a resident of the state of Iowa, and who is registered in Iowa by the Office of Apprenticeship of the United States Department of Labor.

"*Apprenticeship program*" means a program registered by the Office of Apprenticeship of the United States Department of Labor, which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement between an apprentice and an active licensee in an active licensed salon.

ITEM 2. Reletter paragraphs **60.2(1)"d"** and **"e"** as **60.2(1)"e"** and **"f."**

ITEM 3. Adopt the following **new** paragraph **60.2(1)"d"**:

d. If the applicant has graduated from an apprenticeship program, direct the United States Department of Labor to submit a certificate of completion.

ITEM 4. Adopt the following **new** subrule 60.5(7):

60.5(7) Persons licensed under this chapter who provide apprenticeship programs must hold an active license sufficient to provide on-the-job training, must operate in an actively licensed

establishment, and must comply with relevant United States Department of Labor laws and regulations for the operation of an apprenticeship program.

ITEM 5. Adopt the following **new** definitions of “Apprentice,” “Apprenticeship instructor,” “Apprenticeship program,” “Apprenticeship sponsor” and “On-the-job trainer” in rule **645—61.1(157)**:

“*Apprentice*” means a person who is at least 16 years of age, who is employed in an apprenticeable occupation, who is a resident of the state of Iowa, and who is registered in Iowa by the Office of Apprenticeship of the United States Department of Labor.

“*Apprenticeship instructor*” means an instructor who delivers theory instruction in apprenticeship programs and who must meet the United States Department of Labor’s requirements for career and technical instructors. It is recommended that all apprenticeship instructors have training in teaching techniques and adult learning styles.

“*Apprenticeship program*” means a program registered by the Office of Apprenticeship of the United States Department of Labor, which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement between a student and an active licensee in an active licensed salon.

“*Apprenticeship sponsor*” means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated that is registered with or approved by the Office of Apprenticeship of the United States Department of Labor.

“*On-the-job trainer*” means the individual providing instruction and supervision of the apprenticeship program practical hours. This individual must be a licensee of the board in the discipline for which the individual is training, and the training must occur in a licensed establishment.

ITEM 6. Amend subrule 61.5(5) as follows:

61.5(5) Each licensee and apprentice shall have a valid U.S. government-issued photo ID to provide to an agent of the board upon request as proof of identity.

ITEM 7. Adopt the following **new** subrule 61.24(3):

61.24(3) A sign shall be clearly displayed in the entrance of a licensed establishment operating an apprenticeship program that indicates in prominent lettering that apprentices are employed at the establishment and may perform services under the supervision of licensed employees.